

REFERENCE TITLE: Indian casinos; liquor license; jurisdiction

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HCR 2026

Introduced by
Representatives Smith: Allen J, Gorman, Rosati

A CONCURRENT RESOLUTION

ENACTING AND ORDERING THE SUBMISSION TO THE PEOPLE OF A MEASURE RELATING TO
GAMBLING ON INDIAN RESERVATIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the House of Representatives of the State of Arizona, the
2 Senate concurring:

3 1. Under the power of the referendum, as vested in the Legislature,
4 the following measure, relating to gambling on Indian reservations, is
5 enacted to become valid as a law if approved by the voters and on
6 proclamation of the Governor:

7 AN ACT

8 AMENDING SECTION 5-601, ARIZONA REVISED STATUTES; RELATING TO
9 GAMBLING ON INDIAN RESERVATIONS.

10 Be it enacted by the Legislature of the State of Arizona:

11 Section 1. Section 5-601, Arizona Revised Statutes, is
12 amended to read:

13 5-601. Gambling on Indian reservations; tribal-state
14 compacts; tribal-state compact fund

15 A. Notwithstanding any other law, this state, through the
16 governor, may enter into negotiations and execute tribal-state
17 compacts with Indian tribes in this state pursuant to the Indian
18 gaming regulatory act of 1988 (P.L. 100-497; 102 Stat. 2467; 25
19 United States Code sections 2701 through 2721 and 18 United
20 States Code sections 1166 through 1168). Notwithstanding the
21 authority granted to the governor by this subsection, this state
22 specifically reserves all of its rights, as attributes of its
23 inherent sovereignty, recognized by the tenth and eleventh
24 amendments to the United States Constitution. The governor
25 shall not execute a tribal-state compact which waives, abrogates
26 or diminishes these rights.

27 B. Tribal-state gaming compacts shall prohibit persons
28 under twenty-one years of age from wagering on gaming activities
29 conducted pursuant to the compact as follows:

30 1. Beginning on June 1, 2003, any tribal-state gaming
31 compact that is executed, modified, extended or renewed pursuant
32 to this section shall include a provision that prohibits persons
33 who are under twenty-one years of age from wagering on gaming
34 activities.

35 2. Any tribal-state gaming compact that is executed,
36 modified, extended or renewed pursuant to this section from and
37 after ~~the effective date of this amendment to this section~~ JULY
38 18, 2000 but before June 1, 2003 shall include a provision that
39 prohibits persons who are under twenty-one years of age from
40 wagering on gaming activities, except that the provision shall
41 not take effect until June 1, 2003.

42 C. The governor shall not concur in any determination by
43 the United States secretary of the interior that would permit
44 gaming on lands acquired after October 17, 1988 pursuant to 25
45 United States Code section 2719.

1 D. The department of gaming is authorized to carry out
2 the duties and responsibilities of the state gaming agency in
3 compacts executed by the state and Indian tribes of this state
4 pursuant to the Indian gaming regulatory act.

5 E. In carrying out its duties under tribal-state gaming
6 compacts, the department of gaming is exempt from the rule
7 making requirements of title 41, chapter 6.

8 F. Indian tribes of this state that have executed
9 compacts with the state shall pay to the department of gaming
10 their share of the regulatory costs necessary to carry out the
11 duties required by any executed tribal-state compact authorized
12 by the Indian gaming regulatory act. The department of gaming
13 shall collect from each of the tribes that have executed a
14 compact with the state their share of the costs incurred by the
15 department pursuant to this chapter. The dates and methods of
16 payment shall be as specified in the tribal-state compacts.

17 G. A permanent tribal-state compact fund is established
18 consisting of monies received pursuant to subsection F of this
19 section and other monies received pursuant to this chapter. The
20 department of gaming shall administer the fund. The director of
21 the department of gaming shall make an annual report to the
22 governor, the president of the senate, the speaker of the house
23 of representatives and each tribe which has executed a compact
24 with the state disclosing in detail the activities of the
25 department of gaming pursuant to this chapter including a full
26 and complete statement of revenues deposited in and expenditures
27 from the permanent tribal-state compact fund. Monies paid by
28 the tribes shall only be used for reimbursement of
29 administrative and regulatory expenses incurred by the
30 department pursuant to this chapter.

31 H. Monies deposited in the permanent tribal-state compact
32 fund are subject to legislative appropriation. Monies in the
33 fund are exempt from the provisions of section 35-190 relating
34 to lapsing of appropriations.

35 I. Any tribal-state gaming compact that is executed,
36 modified, extended or renewed pursuant to this section shall
37 include provisions that do all of the following:

38 1. Establish guidelines on automated teller machine use
39 and on the use of credit cards or other forms of credit in
40 gaming facilities.

41 2. Require the Indian tribe to post at all public
42 entrances and exits to the gaming facilities signs that state
43 that help is available if a person has a problem with gambling
44 and the statewide toll free crisis hotline telephone number,
45 established by the Arizona state lottery commission.

1 3. Prohibit gaming facility advertising and marketing
2 that specifically appeal to minors. The provisions shall
3 include guidelines for determining acceptable advertising and
4 marketing.

5 4. Establish guidelines for the effective treatment and
6 prevention of problem and pathological gambling.

7 5. Establish guidelines for voluntary ban procedures from
8 all gaming facilities in the state, including but not limited to
9 prohibiting the use of check cashing services, automatic teller
10 machines, credit cards or other forms of credit offered at a
11 gaming facility. A third person may not request a ban on behalf
12 of another person.

13 J. NOTWITHSTANDING SECTION 5-601.02, A GAMBLING FACILITY
14 THAT HOLDS A LIQUOR LICENSE ISSUED PURSUANT TO TITLE 4 AND THAT
15 GAMBLING FACILITY'S OWNERS, OFFICERS, OPERATORS, EMPLOYEES,
16 AGENTS, VENDORS AND PATRONS ARE SUBJECT TO THE CIVIL AND
17 CRIMINAL LAWS OF THIS STATE AND ARE SUBJECT TO THE JURISDICTION
18 OF THE COURTS OF THIS STATE.

19 2. The Secretary of State shall submit this proposition to the voters
20 at the next general election as provided by article IV, part 1, section 1,
21 Constitution of Arizona.